

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10270-GAO

GEORGE LOGUE,
Plaintiff,

v.

DARTMOUTH POLICE DEPARTMENT and
DARTMOUTH POLICE OFFICERS GILL,
WHITE, BROOKS, and MEDEIROS,
Defendants.

ORDER
August 3, 2005

O'TOOLE, D.J.

In this action, the plaintiff George Logue claims that the Dartmouth Police Department and Dartmouth Police Officers Gill, White, Brooks, and Medeiros are liable under 42 U.S.C. § 1983 for falsely arresting and imprisoning him on July 24, 1997, following a domestic dispute with his father. In his amended complaint, Logue also asserts claims for negligent supervision or entrustment, slander, and intentional infliction of emotional distress arising out of the events on July 24, 1997.

Logue filed his initial complaint in this action on February 9, 2004. He contends that “his lack of understanding of the existence and nature of the injuries imparted prevented him from filing complaints at an earlier date.” Am. Compl. ¶ 6. However, it is apparent from the plaintiff’s own pleading that Logue knew, or had reason to know, of the injuries that serve as the basis for this lawsuit at the time the events occurred. When the police officers arrived, Logue denied having struck his father, immediately objected to being taken into custody, and explained that his father was the one who had assaulted him. Am. Compl. ¶ 9. Without fully investigating the incident at the scene,

however, and “without regard for plaintiff’s reputation,” the defendant officers made defamatory statements and falsely arrested and imprisoned him. Id. ¶¶ 9-10. Despite Logue’s awareness of the nature and extent of his injuries, he did not commence this action until over six years after the events occurred. Consequently, this action is barred by the three-year statute of limitations applicable to his claims. Nieves v. McSweeney, 241 F.3d 46, 52-53 (1st Cir. 2001); Mass. Gen. Laws ch. 260, §§ 2A, 4.

The motion to dismiss (Dkt. No. 18) is GRANTED. Logue’s motion for summary judgment (Dkt. No. 22) is MOOT.

It is SO ORDERED.

August 3, 2005
DATE

\s\ George A. O’Toole, Jr.
DISTRICT JUDGE